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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/870,621
Filing Date: May 31, 2001
Appellant(s): BROUSSARD, SCOTT J.

Kevin L. Daffer (reg. 34,146)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11-23-04.

TL

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims of Group I (claims 1-12) and Group II (claims 13-25) do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

Sun Microsystems, Java Platform 1.2 Beta 4 API Specification: Class JPasswordField
and Class JTextField, 1993-1998, page 1, hereinafter Java

Sun Microsystems, The Swing Connection, 2/98, volume 3, no.4, swing version 1.0, hereinafter Java (specifically IS).

WinZip Computing Inc., WinZip 8.0, 1991-2000, attached pages, hereinafter WinZip

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over WinZip computing Inc., WINZIP 8.0, hereinafter WinZip, Java, and Fults et al. Patent #5327529, hereinafter Fults. This rejection is set forth in a prior Office Action, mailed on 6-30-04

(11) Response to Argument

GROUP I:

With respect to the group of claims including Claims 1-12, the Appellant's arguments are focused on the limitations regarding the "existence of a first and second proxy component and a peer component, where the peer component is configured for

selecting a proxy component for use". More specifically, as stated from representative Claim 1, the limitation argued is:

a peer component for selecting either the first proxy component or the second proxy component, depending on a mode of use of the object, wherein the selection can be made during runtime, and wherein after the proxy component is selected, the selected proxy component dynamically creates a new graphics resource component for displaying the object, such that the appearance of the displayed object is substantially independent of the operating system.

Since the interpretation of the limitation is the basis for the arguments, the Examiner's interpretation is now given. The Examiner asserts the limitation is a component used for selecting a display system used to display an object. As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the references, are within the scope of these limitations.

-WinZip teaches, on pages 3 and 4 a system of software components adapted to display text running under an operating system, in which selection of the mask password check box displays the text with one or two software components namely masked ("*****") or unmasked ("password"), the selection of which is made at runtime.

-Java teaches a system of masking passwords similar to that of WinZip using the Swing API and namely the JPasswordField and JTextField (see Java Platform 1.2 Beta 4 API Specification: Class JPasswordField and Class JTextField), but further teaches a system independent display (see IS page 1 paragraphs 1 and 5).

-Fults teaches a system which generates the interface based on a selection by the user (see column 3, lines 27-52) similar to that of WinZip and Java, Fults, however, further teaches taking hints from a user and using the hints to direct the interface generation to an appropriate user interface implementation (see column 3, lines 33-51, figure 2, and the abstract). Fults further teaches, in column 20, lines 24-34, that libraries are dynamically loaded into memory when needed by the application.

The examiner will now address the individual arguments and statements made by the Appellant.

From page 8 of the Appeal Brief, from the third paragraph, the Appellant argues "the screen shots on pages 3 and 4 of the WinZip reference cannot be used to provide teaching or suggestion for the presently claimed system of

software components, which as noted above, include a first proxy component, a second proxy component and a peer component".

The examiner contends that the WinZip reference was included in the rejection to provide an illustration of how the display routine for a particular group of text can be changed during runtime to effect a change in the appearance of the displayed text (see pages 3 and 4). The Java reference is relied upon to teach the actual proxy components, JPasswordField and JTextField, which are display routines that are similar to those as in WinZip (see Java Platform 1.2 Beta 4 API Specification: Class JPasswordField and Class JTextField). The Fults reference is further relied upon for the teaching of a peer component that selects between alternate user interface routines (see column 3, lines 33-51), similar to the selection of display routine by WinZip.

From page 8 of the Appeal Brief, from the fourth paragraph, the Appellant argues "the WinZip reference does not teach or suggest that the functionality shown in the screen shots could be provided by software components similar to the presently claimed proxy and peer components".

The examiner contends that WinZip does show a display that implements two different display routines, that are obviously some sort of software component (see pages 3 and 4). Further there is a selection, by a user, two alternate between display routines (see pages 3 and 4).

From page 9 of the Appeal Brief, from the second paragraph, the Appellant argues "the appearance of the displayed object would not be independent of the operating system, as in the presently claimed case, because a heavyweight graphic resource would be used for displaying the object in the WinZip GUI".

The examiner contends that a Java shows the display components are JPasswordField and JTextField, which are display routines that are similar to those as in WinZip (see Java Platform 1.2 Beta 4 API Specification: Class JPasswordField and Class JTextField), which are Swing components, that have been shown by IS, page 2 to be able to be displayed with use of Metal which shows the same Look-and-Feel no matter what operating system it is implemented on.

From page 9 of the Appeal Brief, from the third paragraph, the Appellant argues "the Java reference fails to provide teaching or suggestion for a first proxy component, a second proxy component and a peer component for selecting between the first and the second proxy components, depending on the use of the object".

The examiner contends that the Java reference is relied upon to teach the actual proxy components, JPasswordField and JTextField, which are display routines that are similar to those as in WinZip (see Java Platform 1.2 Beta 4 API Specification: Class JPasswordField and Class JTextField). The WinZip reference was included in the rejection to provide an illustration of how the display routines (further see Java

reference) for a particular group of text can be changed (further see Fults) during runtime to effect a change in the appearance of the displayed text (see pages 3 and 4). The Fults reference is further relied upon for the teaching of a peer component that selects between alternate user interface routines (see column 3, lines 33-51), similar to the selection of display routine by WinZip.

From page 10 of the Appeal Brief, from the second paragraph, the Appellant argues "the Java resource component may have combined features (e.g., masked and unmasked text capabilities) that simply do not exist within a single Swing graphics resource component".

The examiner contends that as can clearly be seen in the WinZip reference components that implement masked and unmasked text capabilities exist in the same resource component.

From page 10 of the Appeal Brief, from the third paragraph, the Appellant argues "one skilled in the art would not consider the presently claimed proxy components to be an obvious feature in light of the WinZip and Java references".

In response to applicant's argument that the presently claimed proxy components to be an obvious feature in light of the WinZip and Java references, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the

test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The java reference provides a means of implementing the display routines of the WinZip reference which are dynamically changed at runtime.

From page 11 of the Appeal Brief, from the second and third paragraph, the Appellant argues "Fults does not teach or suggest a peer component for displaying an object by selecting either a first or second proxy component, depending on a mode of use of the object" where "any selection between software components that may or may not be disclosed by Fults is not dependent on a mode of use of an object."

The examiner contends that Fults does show as admitted to by the applicant on page 11, paragraph 3, an application defining the generically a UI object to one or more specific UI objects depending on the specific UI chosen, where this is selection its self is a selection of a mode of use. Further the selection of masked or unmaked by the WinZip reference is further a selection of a mode of use, requesting either visible text or hidden.

From page 12 of the Appeal Brief, from the third paragraph, the Appellant argues "There is no motivation to combine or modify the teachings of the cited art to provide a proxy component configured for displaying an object by selecting,

during runtime, either a first or a second proxy component, depending on a mode of use of the object".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, WinZip teaches the broad idea of using two different display routines for an element, selectable by another component, and the Java and Fults references supplement implementations of the display routines and the selection component.

From page 14 of the Appeal Brief, from the first paragraph, the Appellant argues "There is no motivation to combine the text display system of WinZip with the system independence of Java, as suggested by the Examiner".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, WinZip teaches the broad idea of using two different display routines for an element, selectable by another component, and the Java and Fults references supplement implementations of the display routines and the selection component. Further the implementation of an idea in a different programming language is not novel.

From page 15 of the Appeal Brief, from the fourth paragraph, the Appellant argues “The Examiner has failed to adequately support and/or establish *prima facie* grounds of obviousness”.

In response to applicant's argument that there is no teaching or motivation to suggest the aforementioned limitations of present claim 1, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

GROUP II:

With respect to the group of claims including Claims 13-25, the Appellant's arguments are focused on the limitations regarding the “upon detection of a change in the mode of use of eh object, deactivating the first proxy component and then activating a second proxy component to dynamically generate a second graphical representation

of an object". More specifically, as stated from representative Claim 1, the limitation argued is:

Upon detecting a change in the mode of use of the object, deactivating the first component and activating a second proxy component to dynamically generate a second graphical representation of the object during runtime, wherein the second graphical representation is substantially independent of the operating system and distinct from the first graphical representation.

Since the interpretation of the limitation is the basis for the arguments, the Examiner's interpretation is now given. The Examiner asserts the limitation is a selection that stops a first component from displaying in its manner and implements a second component to display the object. The mode of use is not limited in the way in which it is changed, this can be an observed change or a user selected change. As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the references, are within the scope of these limitations.

-WinZip teaches, on pages 3 and 4 a system of software components adapted to display text running under an operating system, in which selection of the mask password check box (user selection of a change in mode) displays the text with one or two software components namely masked ("*****") or unmasked ("password"), the selection of which is made at runtime.

-Java teaches a system of masking passwords similar to that of WinZip using the Swing API and namely the JPasswordField and JTextField (see Java Platform 1.2 Beta 4 API Specification: Class JPasswordField and Class JTextField), but further teaches a system independent display (see IS page 1 paragraphs 1 and 5).

-Fults teaches a system which generates the interface based on a selection by the user (user selection of a change in mode) (see column 3, lines 27-52) similar to that of WinZip and Java, Fults, however, further teaches taking hints from a user and using the hints to direct the interface generation to an appropriate user interface implementation (see column 3, lines 33-51, figure 2, and the abstract). Fults further teaches, in column 20, lines 24-34, that libraries are dynamically loaded into memory when needed by the application.

The examiner will now address the individual arguments and statements made by the Appellant.

From page 17 of the Appeal Brief, from the second paragraph, the Appellant argues "teachings of WinZip and Java references can combined to render the above limitations".

The examiner contends that the WinZip reference was included in the rejection to provide an illustration of how the display routine for a particular group of text can be changed during runtime to effect a change in the appearance of the displayed text (see pages 3 and 4). The Java reference is relied upon to teach the actual proxy components, JPasswordField and JTextField, which are display routines that are similar to those as in WinZip (see Java Platform 1.2 Beta 4 API Specification: Class JPasswordField and Class JTextField). The Fults reference is further relied upon for the teaching of a peer component that selects between alternate user interface routines (see column 3, lines 33-51), similar to the selection of display routine by WinZip.

From page 18 of the Appeal Brief, from the first paragraph, the Appellant argues "the screen shots provide absolutely no teaching, suggestion or motivation for activating/deactivating different software components".

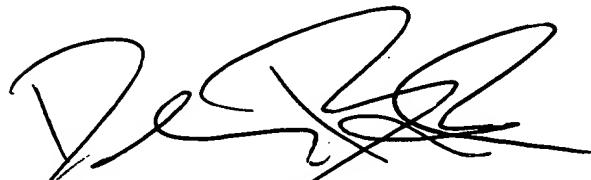
The examiner contends that the WinZip reference was included in the rejection to provide an illustration of how the display routine for a particular group of text can be changed during runtime to effect a change in the appearance of the displayed text (see pages 3 and 4). It is further the mode of use is not limited in the way in which it is changed, this can be an observed change or a user selected change.

From page 18 of the Appeal Brief, from the third paragraph, the Appellant argues "The Examiner has failed to adequately support and/or establish prima facie grounds of obviousness".

In response to applicant's argument that there is no teaching or motivation to suggest the aforementioned limitations of present claim 13 and 25, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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March 31, 2005



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